

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

AKAMAI TECHNOLOGIES, INC. and
AKAMAI SECURITIES CORPORATION,

Defendant,

v.

DEUTSCHE BANK AG,

Defendant.

Civil Action No.:
1:10 Civ. 10254 (JLT)

**DEFENDANT’S ASSENTED TO MOTION FOR LEAVE TO
FILE UNDER SEAL A REPLY MEMORANDUM IN FURTHER SUPPORT
OF DEFENDANT’S MOTION FOR A PROTECTIVE ORDER,
AND IN OPPOSITION TO PLAINTIFFS’ CROSS-MOTION**

Defendant Deutsche Bank AG (“Defendant” or “DBAG”) hereby respectfully requests leave of the Court to file under seal a Reply Memorandum in Further Support of Defendant’s Motion for a Protective Order, and in Opposition to Plaintiffs’ Cross-Motion to Amend Their List of Deponents and for Sanctions. Defendant requests leave (1) to file under seal, and (2) to include a reply in further support of Defendant’s initial motion as part of its brief in opposition to Plaintiffs’ cross-motion. In support of its motion, DBAG states as follows:

1. The parties have signed a Confidentiality Stipulation, dated July 13, 2011, governing the treatment of confidential material.

2. Defendant’s proposed Reply Memorandum of Law in Further Support of Defendant’s Motion for a Protective Order and in Opposition to Plaintiffs’ Cross-Motion contains confidential information, including information from the related arbitration between Defendant and Defendant Deutsche Bank AG’s indirect subsidiary, Deutsche Bank Securities Inc., which has been designated confidential pursuant to a confidentiality order entered in that action.

3. Plaintiffs filed their Memorandum of Law in Opposition to Defendant's Motion for a Protective Order and in Support of Akamai's Cross-Motion and the Affidavit of Jennifer E. Tracy under seal pursuant to this Court's Order dated August 15, 2011.

4. Defendant proposes to file one brief, within the twenty-page limit, that both replies to arguments Akamai made in opposition to Deutsche Bank AG's motion for protective order, and in opposition to Akamai's cross-motion. Defendant believes that one brief will be more efficient and conserve resources.

WHEREFORE, Defendant Deutsche Bank AG respectfully requests that this Court grant its request for leave to file, under seal, a joint Reply Memorandum in Further Support of Defendant's Motion for a Protective Order, and in Opposition to Plaintiffs' Cross-Motion.

Dated: August 29, 2011

RESPECTFULLY SUBMITTED:

DEUTSCHE BANK AG,
Defendant,
By its attorneys:

/s/ Toby S. Soli
Stephen L. Saxl (admitted *pro hac vice*)
Toby S. Soli (admitted *pro hac vice*)
GREENBERG TRAURIG, LLP
200 Park Avenue
New York, NY 10166
Tel: (212) 801-6400
Fax: (212) 801-9200
saxls@gtlaw.com
solit@gtlaw.com

A. John Pappalardo, BBO #388760
Victor H. Polk, Jr., BBO #546099
GREENBERG TRAURIG, LLP
One International Place
Boston, MA 02110
Tel.: (617) 310-6000
Fax: (617) 310-6001
pappalardoj@gtlaw.com
polkv@gtlaw.com

CERTIFICATE UNDER LOCAL RULE 7.1(A)(2)

Pursuant to Local Rule 7.1(A)(2), the undersigned counsel for Deutsche Bank AG hereby certifies that counsel for Defendant made a good faith effort to consult with counsel for Plaintiffs before filing this motion. Counsel for Plaintiffs has assented to this motion.

/s/ Toby S. Soli
Toby S. Soli

CERTIFICATE OF SERVICE

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing and paper copies will be sent via U.S. first class mail to those indicated as non-registered participants on August 29, 2011.

/s/ Toby S. Soli
Toby S. Soli